



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 69
AGENDA DATE: Thu 01/26/2006
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SUBJECT: Conduct a public hearing and adopt a non-substantive ordinance amending Chapter 25-8 of the City Code to clarify application of water quality and impervious cover regulations to single family or duplex residential lots.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalion

FOR MORE INFORMATION CONTACT: Patrick Murphy, Environmental Officer, 974-2821

PRIOR COUNCIL ACTION: City Council adopted Resolution No. 20051027-007 on October 27, 2005.

BOARD AND COMMISSION ACTION: The Environmental Board recommended approval of the amendments on December 14, 2005. The Planning Commission Codes and Ordinances Subcommittee reviewed the ordinance on December 20, 2005, and the Planning Commission recommended approval on January 10, 2006.

PURCHASING: N/A

MBE / WBE: N/A

By Resolution dated October 27, 2005, City Council directed the City Manager to process a code correction regarding application of water quality impervious cover regulations to subdivisions and site plan applications. This non-substantive ordinance amends the City Code to affirm a long-standing interpretation of the water quality regulations as requested.

Watershed regulations are applied at the subdivision stage of development and enforced through plat review, plat notes and subsequent building permit review for commercial developments. From their inception in 1980, the City's water quality regulations including water quality impervious cover have consistently applied to subdivision and site plan applications but not to individual single-family or duplex building permit applications.

The City's watershed regulations apply uniformly in the City limits and ETJ and a single-family or duplex subdivision complies with the watershed regulations on an overall basis. A single-family or duplex building permit is required to comply with any watershed restrictions that were imposed as a condition of approval of the subdivision as well as zoning requirements and building codes.

The ordinance clarifies that the watershed regulations are applied at the time of subdivision and site plan application. The ordinance further clarifies that the watershed impervious cover limits apply to the subdivision as a whole and not to individual single-family or duplex lots.



ENVIRONMENTAL BOARD MOTION 121405-C1

Date: December 14, 2005

Subject: Single Family Code Correction

Motioned By: Karin Ascot

Seconded By: Rodney Ahart

Recommendation

The Environmental Board recommends **approval** of ordinance amending sections 25-8-21, 25-8-61 and 25-8-64 of City Code relating to applicability of Water Quality and impervious cover regulations, and to impervious cover assumptions.

Rationale

There are clarifying changes, not substantive.

Vote 8-0-0-1

For: Anderson, Ahart, Curra, Maxwell, Dupnik, Gilani, Ascot, Moncada

Against:

Abstain:

Absent: Jenkins

Approved By:

Dave Anderson P.E., CFM, Chair

RESOLUTION NO. 20051027-007

WHEREAS, from their inception in 1980, the City's water quality regulations including water quality impervious cover, have consistently been applied to subdivision and site plan applications but not to individual single family or duplex building permit applications; and

WHEREAS, the City's practice has not changed since 1980 in this regard; and

WHEREAS, the Land Development Code provisions should be clarified to clearly state that the water quality impervious cover regulations apply to subdivision and site plan applications and not to building permit applications for single family and duplex residential buildings; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to take such steps as are necessary to initiate the process of a Code correction regarding application of water quality impervious cover regulations to subdivisions and site plan applications.

ADOPTED: October 27, 2005

ATTEST


Shirley A. Brown
City Clerk



NOTICE OF PUBLIC HEARING PROPOSED AMENDMENT TO AUSTIN'S LAND DEVELOPMENT CODE

Mailing Date: December 28, 2005

Case Number: C20-05-015

A public hearing will be held to consider a proposed amendment to Austin's Land Development Code.

Proposed Amendment:

Amendment to Chapter 25-8 of the City Code to clarify applicability of watershed regulations to single family lots.

The Planning Commission will consider this amendment on January 10, 2006 at City Hall Council Chambers, 301 West 2nd Street beginning at 6:00 p.m.. Comments on this proposed ordinance from any member of the public will be heard during the public hearing.

The City Council will consider this amendment on January 26, 2006 at City Hall Council Chambers, 301 West 2nd Street beginning at 4:00 p.m. Comments on this proposed ordinance from any member of the public will be heard during the public hearing.

If you desire additional information on this proposed ordinance, please contact Pat Murphy of the Watershed Protection and Development Review at 512-974-2821 and refer to the Case Number at the top right of this notice.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 25-8-61 AND 25-8-64 OF THE CITY CODE RELATING TO APPLICABILITY OF IMPERVIOUS COVER REGULATIONS AND TO IMPERVIOUS COVER ASSUMPTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Council finds:

(A) This ordinance amends the City Code to affirm a long-standing interpretation of the water quality regulations.

(B) This ordinance is not a substantive change to the City Code.

PART 2. Section 25-8-61 (*Applicability*) of the City Code is amended to read:

§ 25-8-61 APPLICABILITY.

(A) This division applies to the impervious cover requirements of this subchapter.

(B) The impervious cover requirements of this subchapter do not restrict impervious cover on a single-family or duplex lot but apply to the subdivision as a whole.

PART 3. Section 25-8-64 (*Impervious Cover Assumptions*) of the City Code is amended to add a new Subsection (D) to read:

(D) Except as provided in Subsection (C), this section does not restrict impervious cover on an individual lot.

PART 4. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk